

Claim Objections

Adopting the corrections required by the Examiner has obviated the objections raised by the Examiner.

Rejections Under 35 USC § 112 (Second Paragraph)

Claims 4 and 22 have been amended so as to provide proper Markush terminology in claim 4 and proper antecedent basis in claim 22.

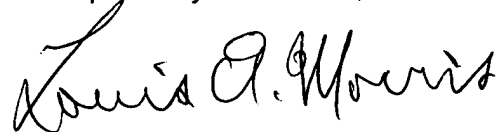
Rejections Under 35 USC § 102(b)/103

Claim 31 is rejected as being anticipated or obvious over either Seamans et al. or de Jong et al. The Examiner is correct with regard to the elemental composition of the activated catalysts of those references. The Examiner is also correct that product by process limitations relating to how a composition is made do not impart novelty to a composition, where the composition is indistinguishable from prior art compositions.

However, the composition of the catalyst of claim 31 is readily distinguishable from the prior art compositions. It is made clear in the examples of the instant text that catalyst activated in accordance with the instant process shows surprising and unexpected improved activity with regard to hydrodesulfurization, hydrodenitrogenation and hydrodearomatization. It is well established law that a compound and all of its properties are inseparable (*In re Papesch*, 137USPQ 43, 51), and, therefore, the improved activity of the catalyst of the invention is as an essential part of the catalyst composition as any other aspect of the composition, such as metals content, thereby imparting novelty and unobviousness.

In view of the above, all grounds for objection to and rejection of any of the instant claims have been obviated. Allowance of all of the instant claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis A. Morris". The signature is fluid and cursive, with the first name "Louis" being the most prominent.

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